IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 21706 of 1997

Between:

Mohd. Azharuddin s/o Mohd. Zahooruddin, aged 40 years,

Occ: Business, R/o H.No. 4-1-19 A, Eden Garden, King Koti,

Hyderabad.

..... PETITIONER

AND

1. The Commissioner of Police, Hyderabad.

2. The S.I. of Police, P.S. Moghalpura, Hyderabad.

3. Faheemuddin s/o Basheeruddin,

R/o H.No. 23-1-364, Jafrey Gally, Kotle Alia,

Hyderabad.

4. Mohd. Sadath Ali Khan s/o Bismilla Khan,

H.No. 23-1-560, Bibi Bazar, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction more particularly in the nature of Writ of Mandamus directing the respondents No. 1 and 2 to register a case as per Law against the respondent No.3 and to investigate the same.

Counsel for the Petitioner:MR.M.A.BARI

Counsel for the Respondent Nos 1 and 2 .: GP FOR HOME

Counsel for the Respondent No. 3: Mr. Mahmood Shariff
Counsel for the Respondent No.4: Mr. V.Ravinder Rao

The Court made the following :

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ORDER:

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This Writ Petition is filed with a prayer to issue an order or direction more particularly in the nature of Writ of Mandamus directing the respondents 1 and 2 to register a case as per Law against the respondent No.3 and to investigate the same.

As can be seen from the material available on record, the then learned Government Pleader, Mr. Qureshi was directed to contact the Superintendent of Police, Women Protection Cell, Hyderabad and see that police protection is provided to the children by deputing a Constable, who shall visit the house of the fourth respondent, to ascertain welfare of the children by order dated 28-11-1997.

In the counter affidavit filed by the 2nd respondent several allegations were denied and a specific stand was taken that for want of credible information and also for want of reliable material the complaint is kept pending and the same had not been registered.

In the light of the facts and circumstances of the case and the narration made in the affidavit in support of the petition and also the stand taken by the respondent No.2 in the counter-affidavit, this Court is satisfied that these are all matters concerned with the affairs of the investigation of the Investigating Agency and in the light of the specific stand taken by the 2nd respondent in the counter affidavit, the respondents 1 and 2 are at liberty to further proceed in the matter, if they are otherwise satisfied on the material which may be produced before them in this regard, whether to proceed further with the matter or not.

In view of the same, no further directions need to be issued, in the light of the specific stand taken by the 2nd respondent in his counter-affidavit.

Accordingly, the Writ Petition is disposed of. No order as to costs.

P.S.Narayana,J.

23rd December, 2004.

KM

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Commissioner of Police, Hyderabad.

2. The S.I. of Police, P.S. Moghalpura, Hyderabad.

3..2CCs to G.P. for Home, High Court Buidlings, Hyderabad (OUT)

4.2CD copies.

THE HON'BLE MR JUSTICE P.S.NARAYANA

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